

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF COMPLAINTS           )  
AGAINST SUPERIOR COURT            )  
COMMISSIONERS                        )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 95-029

Commissioners of the Superior Court are Judicial officers and are members of the Judicial Branch. As such, they are subject to the Code of Judicial Conduct and Ethics. The Commission on Judicial Conduct, by its rules, will not have jurisdiction to hear matters regarding Commissioners until June 1, 1995. The Arizona State Bar cannot deal with matters relating to violations of the Code of Judicial Conduct. The Presiding Judge of the Superior Court, as the employer of the Commissioners in the Adult Divisions of the Superior Court, is the only person who has the authority to consider allegations of ethical misconduct by Commissioners.

It is appropriate that a formal review process be implemented to assure a full review of all allegations of ethical misconduct by Commissioners.

Accordingly, it is

**ORDERED** adopting the following procedures for the resolution of allegations of ethical misconduct by Commissioners of the Superior Court in the Adult Divisions in Maricopa County.

When a complaint is received by the Presiding Judge regarding a Commissioner, the complaint will be referred to the Associate Presiding Judge.

The Associate Presiding Judge will review all complaints received to determine whether or not there is probable cause to believe an ethical violation has occurred.

If the complaint is not appropriate for action by the Court, a letter will be sent to the complainant by the Associate Presiding Judge indicating the decision not to proceed. A copy of the letter, with a copy of the complaint, will be forwarded to the Commissioner.

If the complaint appears to merit further action, a copy of the complaint will be forwarded to the Commissioner. The Commissioner will be asked to respond to the complaint by a date certain.

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On or after the date for response, a committee comprised of the Associate Presiding Judge, the

Departmental Presiding Judge to which the Commissioner is assigned and the Presiding Commissioner<sup>1</sup> will meet to review the complaint and the response. Any one of the committee members may recuse him/herself from participation with regard to any Commissioner or issue.

The committee shall recommend appropriate action to the Presiding Judge.

The committee may seek further information from either the Commissioner or the complainant, and after receipt of the additional information, shall then recommend appropriate action to the Presiding Judge.

A copy of the recommendation will be forwarded to the Commissioner.

Upon receipt of the recommendation of the committee, the Presiding Judge will take such action as deemed appropriate by the Presiding Judge. The complainant will be advised by the Presiding Judge of the action taken.

A copy of all complaints received and the action taken will be maintained in the Commissioner's file maintained by the Presiding Judge.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 1995

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C. Kimball Rose, Presiding Judge

Original: Clerk of the Court

CC: All Judges and Commissioners  
Court Management Team  
Keith Stott, AOC

. If the complaint is about the Presiding Commissioner, the Associate Presiding Judge will designate a Commissioner to sit on the Committee.